

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Ryals *et al.*

Serial Number: TBA

Filed: on even date herewith

For: Method For Protecting Plants

Art Unit: TBA

Examiner: TBA

Atty Docket: PB/5-21215C

DELETION OF PRIORITY CLAIMS

Commissioner for Patents
Washington, D.C. 20231

Sir:

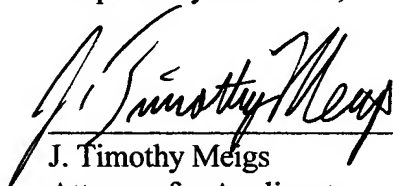
Applicants respectfully request deletion of the following foreign priority claims under 35 U.S.C. §119(a)-(d) or §365(b), which are set forth in the enclosed copy of the "SUBSTITUTE DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS" taken from parent Application No. 08/996,685, filed December 23, 1997:

<u>Country, Region or PCT</u>	<u>Application No.</u>	<u>Filing Date</u>
Switzerland	CH 179/95	January 23, 1995
Switzerland	CH 1910/95	June 29, 1995
Switzerland	CH 3495/95	December 11, 1995

Applicants also respectfully request deletion of the following domestic priority claims under 35 U.S.C. §120 of any United States application(s) listed below and under 35 U.S.C. §365(c) of any PCT international application(s) designating the United States, which are set forth in the enclosed copy of the "SUBSTITUTE DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS" taken from parent Application No. 08/996,685, filed December 23, 1997:

<u>United States Application No.</u>	<u>United States Filing or §371 Date</u>	<u>International Application No.</u>	<u>International Filing Date</u>
--	--	PCT/EP96/00096	January 11, 1996
--	--	PCT/EP96/02672	June 20, 1996
08/761,543	December 6, 1996	--	--
08/875,015	July 16, 1997	--	--
08/981,575	December 22, 1997	--	--

Respectfully submitted,



J. Timothy Meigs
Attorney for Applicants
Registration No. 38,241

Syngenta Biotechnology, Inc.
P. O. Box 12257
Research Triangle Park, NC 27709-2257
Telephone: 919-541-8587
December 12, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Ryals et al.

Art Unit: TBA

Examiner: TBA

APPLICATION NO: TBA

FILED: On Even Date Herewith

FOR: METHOD FOR PROTECTING
PLANTS

Commissioner for Patents
Washington, D.C. 20231

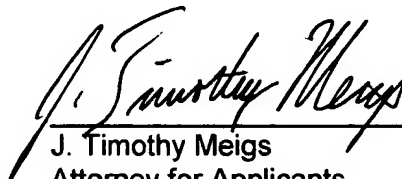
SUBMISSION OF SEQUENCE LISTING
INCLUDING STATEMENT OF VERIFICATION

Sir:

Pursuant to 37 C.F.R. § 1.821-1.825, Applicants' attorney hereby certifies that the contents of the paper sequence listing submitted herewith and the computer readable form (CRF) Sequence Listing submitted on December 23, 1997, in parent application no. 08/996,685 are the same. Please use the CRF from parent application no. 08/996,685 for purposes of the instant application.

Respectfully submitted,

Syngenta Biotechnology, Inc.
Patent Department
P.O. Box 12257
Research Triangle Park, NC 27709-2257
(919) 541-8587
Date: December 12, 2001



J. Timothy Meigs
Attorney for Applicants
Reg. No. 38,241

JC962 U.S. PTO
12/12/01

12-17-01

A

Please type a plus sign (+) inside this box ☒

PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. PB/5-21215C
First Inventor John Ryals
Title Method for Protecting Plants
Express Mail Label No. ET327548893US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 143]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure

4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]

5. Oath or Declaration [Total Pages 14]

- a. ☐ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- b. ☒ DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).

6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF) (From Parent)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper (39 pages)
- c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent. Deletion of Priority (2 pg)
(1 pg)
17. ☒ Other & Table of Contents... (5 pg)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09,458,408

Prior application information:

Examiner A. Kubelik

Group Art Unit: 1638

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

022847

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

J. Timothy Meigs

Registration No. (Attorney/Agent)

38,241

Signature

J. Timothy Meigs

Date

12/12/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

10016236-121201

JC715 U.S. PTO
10/18/01 16236
12/12/01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$1214.00)**Complete if Known**

Application Number	TBA
Filing Date	December 12, 2001
First Named Inventor	John Ryals
Examiner Name	TBA
Group Art Unit	TBA
Attorney Docket No.	PB/5-21215C

METHOD OF PAYMENT (check all that apply)
☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 50-1744

Deposit Account Name Syngenta

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	740
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ 740)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
33	-20** = 13	18	234
1	-3** = 0	84	0
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 234)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	\$110
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	\$130
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$240)**SUBMITTED BY**

Name (Print/Type) J. Timothy Meigs

Registration No. (Attorney/Agent)

38,241

Complete (if applicable)

Telephone 919 541-8587

Signature

J. Timothy Meigs

Date

12/12/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Commissioner for Patents
Washington, DC 20231
Attention: Official Draftsperson

COMMUNICATION FORWARDING FORMAL DRAWINGS

Sir:

Applicant encloses herewith a new set of formal drawings for FIGS. 1A, 1B and 2 (three sheets total).

Notice of the approval of these drawings is respectfully requested.

Respectfully submitted,



J. Timothy Meigs
Attorney for Applicants
Reg. No. 38,241

Syngenta Biotechnology, Inc.
Patent Department
P.O. Box 12257
Research Triangle Park, NC 27709-2257
(919) 541-8587

Date: December 12, 2001

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